REMARKS

Claim 37 is amended and Claims 57-58 are cancelled. Claims 37-56, as amended, remain in the application. No new matter is added by the amendment to the claims. Applicants intend to file a continuation application to pursue the subject matter of cancelled Claims 1-36, 57 and 58 not defined by the current claims.

The Examiner's Rejections:

In the Final Office Action dated December 27, 2005, the Examiner rejected Claims 37-56 under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 6,236,975 issued to Boe et al.

The Examiner stated that newly submitted Claims 57 and 58 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The preamble for both method Claims 57 and 58 describe a new embodiment of the instant invention. The Examiner noted that since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits and, accordingly, Claims 57 and 58 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The Examiner rejected Claims 37-56 under 35 U.S.C. 103(a) as being anticipated by Boe et al. The detailed reasoning of the Examiner is set forth in the "Applicants' Responses to the Rejections" section below.

The Boe et al. Patent:

The Boe patent shows a targeted marketing that allows a business to survey specific customers and to identify such customers that might want to purchase particular products or services. The system provides a customer with customer questions, receives responses to the customer questions from the customer, and stores data associated with the responses. The customer is provided with a feedback page that graphically illustrates data associated with the customer's standing in a selected peer group. The customer also is provided with options operable to adjust the customer's actual demographic to a hypothetical demographic, and data associated with hypothetical demographic changes from the customer is received and processed.

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Hypothetical feedback information is then displayed that graphically illustrates the hypothetical standing of the customer within the selected peer group such that the customer can see the effect of the hypothetical demographic changes.

The system 10 includes a survey system 12, a business system 14 and a customer system 16 coupled for communication through a network 18. The business system 14 can be used to communicate to the survey system 12 preferences in survey questions and answers, color schemes, logos, advertisements, banners, services and products, product information, application information, or the like. As shown in Fig. 3, a user of the customer system 16 must first access the business system 14 before being granted access to the survey system 12.

Boe Patent has a basic premise of providing financial advice for users with the ultimate objective of helping them achieve their financial goals. This invention allows the user to enter their financial information and then to perform "what if" scenarios to see if they are on track to achieving their financial goals. The invention acts as a collector of information and then uses this information to directly market financial products and services via the web pages or the system can generate reports for the use of third party businesses so that they can better target market products and services.

The premise of the Boe patent is to improve target marketing of products and services to consumers by correlating purchase information with all data points collected by the system. Boe shows what is commonly known in the industry as a "collaborative filtering engine." This simply automates the statistical correlation analysis between data sets. In this case, the system uses data gathered from a user, who is trying to meet financial goals, to correlate with the data sets of others to determine the likelihood that the user would purchase a particular product or service.

Boe's system can correlate any data set with another data set and present to the third party user with the highest correlations. In other words, the system can provide the likelihood of someone buying life insurance with a single data point such as age or with income or with hair color. The system also can combine all three single data points (almost like a multiple regression) with the purchase of insurance. In other words, if you have blond hair, they look at all the blond haired people in their database and see if those people purchased life insurance.

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That number becomes the likelihood that the next person with blond hair will also purchase life insurance.

Boe does not limit the collaborative filtering to demographic data and it appears that the response to any question can be added to the filtering. The business report generator **51** can generate reports based on demographic data, *psychographic* data, and all other data. *Psychographic* data includes behavioral characteristics of each customer. This data is obtained from the customers' responses to the survey questions relating to behavior or lifestyle. For example, reports generated from demographic data only could be based on each customer's income level. However, reports generated from all data could also be based on each customer's response to a question about how much money he or she would give away after unexpectedly receiving a large amount of money. Thus, these reports would be based not only on the factual demographic information provided by the customer, but also on less tangible behavioral factors that can be measured through his or her survey responses.

Applicants' Responses to the Rejections:

Applicants set forth below a detailed showing that Boe does not provide a disclosure that anticipates Claims 37-56.

As per independent Claim 37, the Examiner stated that Boe discloses a method for determining personality type to facilitate the delivery of personality products, advice, or services (abstract, target marketing) comprising the steps of: a. providing a computer system including a database of a plurality of personality related tests and questions (Figs.1-2, C9 L49-67, survey options and goals). There is no support in the identified figures or text for that statement by the Examiner. In fact, the word "personality" does not appear in the Boe patent.

Boe Figs. 1-2 show a computer system (targeted marketing system **10**) wherein the survey system **12** includes a matching database **24**. The text (C9 L49-67) describes a screen shot shown in Fig. 4b and a flow chart shown in Fig. 4a. Mention is made of a survey which is utilized to collect financial information to generate peer group feedback and for use in a financial planner. Thus, Figs.1-2 and the text (C9 L49-67) do not disclose a database of "personality related tests and questions."

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Applicants have clearly defined "personality related tests and questions" as used in connection with the method according to the present invention. See the list on pages 12-13 of the specification. None of this personality data (tests and questions) is shown in Boe.

The Examiner identified step g. comparing the test results and the question responses of the individual user with a predetermined set of references to develop a set of characteristic data of the individual user and determining a personality type of the individual user from the characteristic data as being described in Boe (C4 L48-53, Matching Server/Matching Database). There is no support in the identified text for that statement by the Examiner. Boe merely describes the survey system 12 as processing "the data associated with numerous customers' demographics and survey responses in order to present product and service information to the customer while he or she is on-line and to prepare customized reports for the business." There is no mention of either "developing a set of characteristic data of the individual user" or of "determining a personality type of the individual user from the characteristic data" as recited in Claim 37.

The Examiner identified step i. "The administrator" matching the personality type of the individual user with a corresponding product, advice, or service, "on the basis of the test results and questions responses" as being described in Boe (C3 L35-43, Target Marketing; Fig. 6B, C7 L40-47, Action on the Business Report Generator). There is no support in the identified text for that statement by the Examiner. The Examiner inserted two limitations into his recitation of step i. that are not found in Claim 37. First, step i. cannot be performed by the administrator because the method defined by Claim 37 does not inform the administrator of the personality type determined in step g. Applicants amended Claim 37 to clarify that step i. is not performed by the administrator. Support is found in the specification on pages 28-36 wherein the content matching module 3000 of Applicants' system is described. Also see Figs. 9-12.

Second, step i. does not match on the basis of the test results and question responses. In step g., the test results and question responses are compared with a predetermined set of references to develop a set of characteristic data for the individual user (see page 21 of the specification) and then the personality type is determined from the characteristic data in step i.

Boe (C3 L35-43) describes processing the demographics and survey responses to prepare customized reports that the business can use to target marketing to specific potential customers.

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Claim 37 does not describe the administrator as being connected in any way with the "corresponding product, advice or service". Clearly, Claim 37 defines a method performed by a party who is neither the individual user nor the third party administrator.

Dependent Claims:

As per Claim 43, the Examiner stated that Boe discloses performing said step g. by selecting one of a plurality of classification systems based upon a type of matching to be performed in said step i., each said classification system having an associated predetermined set of references (C18 L 12-39, all data and demographic only; C4 L64-67; characterizes customer). Boe does not disclose any classification system. Boe only discloses choosing different data sets (demographic, all data), but this is not a selection between classification schemes. See the description on page 21 of Applicants' specification wherein the classification system uses a classification algorithm.

As per Claim 44, the Examiner stated that Boe discloses performing step g. by selecting one of a plurality of scoring methods for scoring the results of the tests (018 L12-39, analysis report type – all data end/or demographic only). Boe discloses selecting which data to be reported, but does not discuss different scoring methods for scoring results of tests.

As per Claim 45, the Examiner stated that Boe discloses performing said step i. by matching the individual user with the product, advice or service preferred by other users having a similar personality type (C6 L58-67, C7 L1-8, demographic profile — inclusive of determined financial personality determined from survey questions). Boe discloses comparing a single user profile with all of the database profiles using demographic data only or all data, but there is no discussion of determining a personality type.

As per Claim 46, the Examiner stated that Boe discloses performing said step e. by obtaining context data from the individual user and matching the individual user with the product, advice or service associated with the individual user personality type and context data (06 L47-67, C7 L1-8, demographic profile — inclusive of determined financial personality determined from survey questions). Boe does not discuss determining a personality type.

As per Claim 47, the Examiner stated that Boe discloses after performing said step g. advising the individual user of the determined personality type (C11 L53-67), obtaining feedback data from the individual user (C13 L8-19, customer adjusts graphic parameters in "what if" stage)

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and performing again said step d. including the feedback data in the comparison with the test results and the question responses (C13 L8-58, what if analysis and graphic display). Boe provides feedback to the user during the survey in the form of % completed or how responses compare to others. The Boe "what-if" tools allow the user to play with hypothetical inputs to a model that determines if a financial goal will be achieved, but these actions are not recorded by the system nor are they used in the collaborative filter. Most importantly, the inputs are not used as part of the survey engine. Applicants' method obtains feedback from the user as part of the process of determining the personality classification. Thus, the feedback defined by Claim 47 is not contemplated by nor suggested in Boe.

As per Claim 48, the Examiner stated that Boe discloses after performing said step g. advising the individual user of a characteristic represented by the characteristic data, obtaining feedback data from the individual user and performing again said step g. including the feedback data in the comparison with the test results and the question responses (C13 L8-58, what if analysis and graphic display). As set forth above with respect to Claim 47, the Boe "what-if" tools allow the user to play with hypothetical inputs to a model that determines if a financial goal will be achieved, but these actions are not recorded by the system nor are they used in the collaborative filter. Most importantly, the inputs are not used as part of the survey engine. Applicants' method obtains feedback from the user as part of the process of determining the personality classification. Thus, the feedback defined by Claim 48 is not contemplated by nor suggested in Boe.

As per Claim 51, the Examiner stated that Boe discloses performing said step g. advising the individual user of the determined personality type, obtaining feedback data from the individual user and performing again said step g. including the feedback data in the comparison with the test results and the question responses, said step g. being performed by selecting one of a plurality of classification systems (survey type) based upon a type of matching to be performed in said step i., each said classification system having an associated predetermined set of references (C13 L8-58, what if analysis and graphic display). The Boe "what-if" analysis is not connected to the survey system and does not affect a classification.

As per Claim 52, the Examiner stated that Boe discloses advising the individual user of the determined personality type, obtaining feedback data from the individual user, utilizing the

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feedback data to change at least one of a scoring method for scoring the results of the tests and the personality type, and performing again step g. (C13 L8-58, what if analysis and graphic display, allows user to change demographic parameters, which effects entire demographic profile generation, C6 L47-67, C7 L1-8). The Boe "what-if scenarios are hypothetical mathematical solutions to obtaining goals and are not used to determine a personality type.

As per Claim 53, the Examiner stated that Boe discloses advising the individual user of the determined personality type, obtaining feedback data from the individual user and performing again said step g. including the feedback data in the comparison with the test results and the questions responses, and performing said step i. by matching the individual user with the product, advice or service preferred by other users having a similar personality type (C13 L8-58, what if analysis and graphic display, allows user to change demographic parameters, which effects entire demographic profile generation, 06 L47-67, 07 L1-8). The Boe "what-if" tools input is never recorded nor is it used in the collaborative filtering process. The only data used to match products and services with users is from the survey system.

As per Claim 56, the Examiner stated that Boe discloses wherein said step g. includes scoring the results of the tests (C18 L12-67, analysis of survey results to statistically predict the possibility of purchase). Boe can not perform a scoring step since this is outside the scope of the system. Boe performs a statistical regression analysis with the input data from the user, but does not score test results.

Examiner's Response to Arguments:

The Examiner stated that, furthermore, in regard to step g, Boe does disclose comparing the test results and the question responses (demographic and survey questions, C5-C6) of the individual user with a predetermined set of references to develop a set of characteristic data of the individual user and determining a personality type (determine a demographic profile from combined demographic and survey information, C6 L47-67, C7 L1-8) of the individual user from the characteristic data (C5-C6). According to the Examiner, the demographic survey combination relates to the user's profile because, the survey questions help determine the user's "financial personality" - whether they are more willing to borrow, spend, or save and invest (C9 L4-61).

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Apparently, the Examiner has coined the term "financial personality" since the word "personality" is not found in the Boe patent. Further, as explained in Applicants' specification, demographic data is different from personality data (pages 11-13) that is used to determine a personality type. Nowhere in Boe is there a description of the type of data required to determine personality or a suggestion that the Boe system can determine personality.

In view of the amendments to the claims and the above arguments, Applicants believe that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.

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